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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/582,796 | 08/23/2000 | Andrew Robin Searle | 938 26 005 | 2838 |

7590 06/07/2004

Koppel & Jacobs
555 St Charles Drive Suite 107
Thousand Oaks, CA 91360

EXAMINER

GALL, LLOYD A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3676

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,796

Applicant(s)

SEARLE ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 62-67, 123-126, 128, 130-132, 134 and 136 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-67, 123-126, 128, 130-132, 134 and 136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/10/03 and 8/23/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that the drawings filed on 8/23/00 and 2/10/03 are objected to, since they are subject to the objections by the draftsman, form PTO-948 attached to paper no. 16.

Claims 123, 124, 125, 130, 132 and 134 are objected to because of the following informalities: Throughout these claims, consistency should be maintained between "automated" and "automatic" teller machine. These claims are also not clear whether or not an automated teller machine is being positively claimed, or not. In claim 124, it is not clear whether or not a vehicle and a vehicle controller are being positively claimed, or not. In claim 125, line 3, it is not clear whether a vehicle and a vehicle second controller are being positively claimed, or not. Appropriate correction is required.

With respect to the above claim objections, it is noted that the examiner is taking the position that an automated teller machine and a vehicle are not being positively claimed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 62-67, 123, 128, 130-132, 134 and 136 are rejected under 35 U.S.C. 102(e) as being anticipated by Cassidy et al.

Cassidy et al teaches a security system including a microcontroller in figure 1 for a lockable container for bank notes which includes a spoiling means, the system monitors the container between first and second locations (docking stations) as well as its transit on a delivery vehicle. As disclosed throughout the specification, the system of Cassidy is capable of being programmed to provide any well known communications/validate identities...etc., including a temperature sensor 68 such that any attempt to tamper with the container may activate the dye dispenser (see the last line of the Abstract). It is further noted that the ATM and vehicle/transportation means are not being regarded as positively claimed. All limitations thereto are regarded as intended use, and are of no patentable significance. Further, it is submitted that the security system of figure 1 of Cassidy is clearly capable of "communicating" with any other security system. Accordingly, the system of Cassidy possesses the same capability which is claimed in claim 62, line 2 and claim 124, line 2, for example. It is further noted that "that either one ...protecting the cash cassette" in claim 123, lines 10-11 is regarded as a structurally unsupported functional limitation of no patentable significance, as well as being a broad functional limitation.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 124-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy in view of Boutroy.

Boutroy teaches locking and monitoring a container within a transit vehicle as disclosed on page 14, lines 1-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a locking feature within the delivery vehicle of Cassidy, in view of the teaching of Boutroy, to optimize the security of the system of Cassidy.

Applicant's arguments filed December 23, 2003 have been fully considered but they are not persuasive. In response to applicant's remarks on page 6, line 17, it is noted that "for use" is regarded as an intended use limitation, and the examiner is taking the position that an ATM is not being positively claimed. It is further noted that it is not clear why the security system of figure 1 of Cassidy is not capable of communicating with a transportation vehicle or an ATM. Figure 1 of Cassidy and column 2, lines 30-38 of Cassidy clearly teach that the security system of figure 1 including the stations 10, 12 are in communication with one another (see column 2, line 37). Column 2, lines 46-47 also clearly teaches that the container is protected while it is in transit. Column 2, line 32-35 teaches that station 12 may be a bank "or other financial institution". Clearly, an

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ATM (which is also not regarded as being positively claimed) is analogous to a bank or other financial institution, and the security system of Cassidy is regarded as being capable of communicating with an ATM. With respect to page 6, line 28, it is not clear what "automatic negotiation" is being claimed.

With respect to the remarks on page 7, lines 5-12, it is noted that the lid of the container of Cassidy is coupled or locked to the body 20 of the container. Further, a handle is coupled to the container. The container itself is regarded as coupled to the stations as seen in fig. 3.

The remarks on page 7, line 15 are not clear with respect to what spoiling means is claimed at the depot station or ATM. With respect to the remarks on page 7, lines 23-25, it is again noted that an ATM is not being claimed, and it is noted that a "security device" is also a broad limitation. Also, it is indicated that this feature defines a device or spoiling system inside the ATM that can couple to a cash cassette. This does not appear to be the same as what is in lines 20-22 of page 7.

With respect to the remarks on page 8, lines 3-4, it is not clear what meaning is to be given to the broadly claimed "security system", and why what is taught in figure 1 of Cassidy cannot be regarded as a security system/systems. The remarks on page 8, lines 1-9 and lines 13-28 are not clear, as it is not understood what transportation means and/or ATM or hand shaking protocol is being positively claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LG LG

May 28, 2004


Lloyd A. Gail
Primary Examiner